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Attorneys for Debtors and Reorganized Debtors

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

** All papers shall be filed in the Lead Case,
No. 19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**REORGANIZED DEBTORS' STATEMENT OF
ISSUES AND DESIGNATION OF RECORD ON
APPEAL**

[Re: Dkt. No. 12209]

Pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), PG&E Corporation and Pacific Gas and Electric Company, as reorganized debtors (collectively, the “**Debtors**” or the “**Reorganized Debtors**,” as applicable) in the above-captioned chapter 11 cases (the “**Chapter 11 Cases**”), submit this statement of issues and designation of record on appeal.¹

STATEMENT OF ISSUES ON APPEAL

The issues on appeal are: (i) whether the Bankruptcy Court erred by failing to apply the proper legal test in granting relief under Rule 60(b)(1) of the Federal Rules of Civil Procedure (the “**Civil Rules**”), as made applicable by Bankruptcy Rule 9024, where the movant sought relief under Civil Rule 60(b)(1) only on the basis of “excusable neglect” and the Bankruptcy Court failed to apply or analyze the factors set forth in *Pioneer Investment Services Co. v. Brunswick Associates Ltd. P’ship*, 507 U.S. 380 (1993); (ii) whether the Bankruptcy Court erred by revisiting and considering the merits of the underlying judgment in granting relief under Civil Rule 60(b); and (iii) whether an international law firm’s failure to open its mail and email for months, where the law firm admittedly received service of the objections at the mailing address and email address listed by the law firm on its proofs of claim and also had received notice of the Debtors’ bankruptcy and the procedures therein and therefore knew that the Debtors would be filing objections to proofs of claim, constitutes “excusable neglect” that justifies relief under Civil Rule 60(b)(1).

DESIGNATION OF RECORD ON APPEAL

The Reorganized Debtors hereby designate the following items to be included in the record on appeal, each of which includes any and all exhibits and addenda attached thereto and filed therewith and any and all documents incorporated by reference therein:

Filing Date	Dkt. No.	Item
September 1, 2020	8964	Reorganized Debtors’ Motion to Approve Securities ADR and Related Procedures for Resolving Subordinated Securities Claims

¹ Capitalized terms not otherwise defined herein have the meanings ascribed to them in the *Reorganized Debtors’ Opposition to the DRRT Claimants’ Motion for Reconsideration* [Dkt. No. 11867].

Filing Date	Dkt. No.	Item
January 25, 2021	10015	Order Approving Securities ADR and Related Procedures for Resolving Subordinated Securities Claims
August 3, 2021	11014	Reorganized Debtors' Eleventh Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose)
August 3, 2021	11015	Declaration of Edward J. Radetich, Jr. in Support of Reorganized Debtors' Eleventh Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose)
August 3, 2021	11016	Declaration of Michael A. Keable in Support of Reorganized Debtors' Eleventh Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose)
August 3, 2021	11017	Notice of Hearing on Reorganized Debtors' Eleventh Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose)
August 6, 2021	11030	Certificate of Service re: Eleventh Securities Claims Omnibus Objection
August 18, 2021	11085	Reorganized Debtors' Thirteenth Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose)
August 18, 2021	11086	Declaration of Edward J. Radetich, Jr. in Support of Reorganized Debtors' Thirteenth Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose)
August 18, 2021	11087	Declaration of Michael A. Keable in Support of Reorganized Debtors' Thirteenth Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose)
August 18, 2021	11088	Notice of Hearing on Reorganized Debtors' Thirteenth Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose)
August 24, 2021	11140	Certificate of Service re: Thirteenth Securities Claims Omnibus Objection
September 8, 2021	11210	Reorganized Debtors' Amended Report on Responses to Eleventh Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose) and Request for Order by Default as to Unopposed Objections
September 9, 2021	11216	Order Disallowing and Expunging Proofs of Claim Pursuant to Reorganized Debtors' Eleventh Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose)
September 14, 2021	11254	Certificate of Service re: Order Granting Eleventh Securities Claims Omnibus Objection

Filing Date	Dkt. No.	Item
September 22, 2021	11301	Reorganized Debtors' Report on Responses to Thirteenth Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose) and Request for Order by Default as to Unopposed Objections
September 24, 2021	11315	Order Disallowing and Expunging Proofs of Claim Pursuant to Reorganized Debtors' Thirteenth Securities Claims Omnibus Objection (Claims Barred by the Statute of Repose)
September 30, 2021	11363	Certificate of Service re: Order Granting Thirteenth Securities Claims Omnibus Objection
November 18, 2021	11601	DRRT's Motion Seeking Relief from Orders Disallowing and Expunging Proofs of Claim Pursuant to Reorganized Debtors' Eleventh and Thirteenth Securities Claims Omnibus Objections (Claims Barred by the Statute of Repose)
December 21, 2021	11734	DRRT's Amended Motion for Relief from Orders by Default Disallowing and Expunging Proofs of Claim Pursuant to Reorganized Debtors' Eleventh and Thirteenth Securities Claims Omnibus Objections (Claims Barred by the Statute of Repose)
January 25, 2022	11867	Reorganized Debtors' Opposition to the DRRT Claimants' Motion for Reconsideration
January 25, 2022	11868	Declaration of Herb Baer in Support of Reorganized Debtors' Opposition to the DRRT Claimants' Motion for Reconsideration
February 8, 2022	11911	Reply in Support of Amended Motion for Relief from Orders by Default Disallowing and Expunging Proofs of Claim Pursuant to Reorganized Debtors' Eleventh and Thirteenth Securities Claims Omnibus Objections (Claims Barred by the Statute of Repose)
March 15, 2022	-	Transcript of Proceedings Before the Honorable Dennis Montali, United States Bankruptcy Judge
April 7, 2022	12126	Order Granting DRRT's Amended Motion for Relief from Orders Concerning Reorganized Debtors' Eleventh and Thirteenth Securities Claims Omnibus Objections (Claims Barred by the Statute of Repose)
April 22, 2022	12209	Notice of Appeal and Statement of Election to Have Appeal Heard by District Court
April 22, 2022	12216	Corrected Order Granting DRRT's Amended Motion for Relief from Orders Concerning Reorganized Debtors' Eleventh and Thirteenth Securities Claims Omnibus Objections (Claims Barred by the Statute of Repose)

Dated: May 6, 2022

WEIL, GOTSHAL & MANGES LLP

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By: /s/ Richard W. Slack
Richard W. Slack

Attorneys for the Reorganized Debtors